

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

SHAWN CHRISTY, <i>et al.</i>,	:	
	:	
Plaintiffs	:	CIVIL ACTION NO. 3:22-1681
	:	
v.	:	(JUDGE MANNION)
	:	
DONALD TRUMP, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

Pending before the court is the report of Magistrate Judge Martin C. Carlson which recommends that the plaintiffs' complaint be dismissed with prejudice. (Doc. 9). No objections have been filed to Judge Carlson's report. Upon review, the report and recommendation will be adopted in its entirety as the opinion of the court.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)).

Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

In screening the instant *pro se* complaint pursuant to the mandatory provisions of 28 U.S.C. §1915(e)(2)(B)(ii), Judge Carlson found the complaint, which appears to set forth a malicious prosecution claim, deficient in a number of respects. Initially, he determined that the plaintiffs' complaint failed to meet the requirements of Fed.R.Civ.P 8(a). Specifically, Judge Carlson indicated that "[g]iven the fact that the complaint consists of little more than inarticulate rage, this pleading would leave 'the defendants having to guess what of the many things discussed constituted [a cause of action],' and is so 'rambling and unclear' as to defy response." (Doc. 9, p. 11) (citations omitted).

Further, Judge Carlson noted the complaint was filed by Shawn Christy on behalf of himself and two others. As a *pro se* litigant, Judge Carlson found that Mr. Christy may only represent his own interests and is forbidden from representing the interests of other unrepresented parties.

Next, Judge Carlson found that a number of claims are brought against supervisory officials without any allegations tying them to specific acts of

wrongdoing, which renders the claims legally infirm. Judge Carlson found that the plaintiff must allege that the supervisory defendants actively deprived him of a right through personal involvement in the alleged wrongful acts by way of specific allegations of personal direction or of actual knowledge and acquiescence in the actions, which he did not do in this case.

Finally, Judge Carlson determined that the plaintiff is bringing a civil rights claim premised on claims of false arrest and imprisonment based upon a valid criminal conviction which has not been otherwise set aside or overturned, which he cannot do. Essential to any such claim is that the underlying criminal case must have been terminated in favor of the plaintiff.

For all of the above reasons, and because the flaws in the plaintiffs' complaint are so profound that no form of more artful pleading could cure the deficiencies, Judge Carlson recommends that the plaintiffs' complaint be dismissed with prejudice. The plaintiff has failed to file any objections to Judge Carlson's report. The court has reviewed the report and finds no clear error of record. Moreover, the court agrees with the sound reasoning which led Judge Carlson to his conclusions. Therefore, the court will adopt the report and recommendation in its entirety as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1) The report and recommendation of Judge Carlson (**Doc. 9**) is

ADOPTED IN ITS ENTIRETY AS THE OPINION OF THE COURT.

(2) The plaintiffs' complaint (**Doc. 1**) is **DISMISSED WITH**

PREJUDICE.

(3) The Clerk of Court is directed to **CLOSE THIS CASE.**

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: December 5, 2022

22-1681-01